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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,013	09/01/2003	Marat Borin	001-2010	2012
29569	7590	03/07/2007		
JEFFREY FURR 253 N. MAIN STREET JOHNSTOWN, OH 43031			EXAMINER TRAN, PHILIP B	
			ART UNIT	PAPER NUMBER
			2155	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/605,013		BORIN, MARAT	
	<b>Examiner</b>		<b>Art Unit</b>	
	Philip B. Tran		2155	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: The bracket of "[Insert title of invention]" should be omitted from the Title.

Appropriate correction is required.

### ***Claim Objections***

2. Claim 3 is objected to because of the following informalities:

In claim 3, line 5, it is not clear what is "comprising". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, it is unclear that the claim is referring to a system or a method.

Claim 1 recites the limitation "The system" in line 1. There is insufficient antecedent basis for this limitation in the claim.

In addition, it is unclear what "said means for <purpose>" is referring to.

Regarding claim 2, it is unclear that the claim is referring to a system or a method.

Regarding claim 3, it is unclear that the claim is referring to a system or a method.

Regarding claim 4, it is unclear that the claim is referring to a system or a method.

Regarding claim 5, it is unclear that the claim is referring to a system or a method.

Regarding claim 6, it is unclear that the claim is referring to a system or a method.

Appropriate corrections are required.

5. Claim 1 provides for the use of "<purpose>" (intended use), but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

6. Claims 1-2 are rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Halim et al (Hereafter, Halim), U.S. Pat. Application Pub. No. US 2003/0092454 A1.

Regarding claim 1, Halim teaches the system and method for automated communication between websites (= web site 100) and wireless communications devices (= wireless devices or mobile station 10), wherein said means for <purpose> comprises a carrier gateway (= gateway or SMS server) website database (= database) [see Abstract, Figs. 3 & 8 and Paragraphs 0016-0021 & 0052].

Regarding claim 2, Halim further teaches the system and method for automated communication between websites and wireless communications devices in accordance with claim 1, wherein said means for communication comprises a wireless device (= wireless devices or mobile station 10) [see Abstract and Paragraphs 0016-0017 & 0032-0034].

Regarding claim 3, Halim teaches a system and method for automated communication between websites and wireless communications devices for websites and website operators who wish to instantly communicate with their members and or website visitors. Comprising a SMS system rigidly embedded to a Website (= web site 100), a carrier gateway (= gateway or SMS server) URL website database (= database), rigidly linked to said SMS System, and a wireless device (= wireless devices or mobile station 10), remotely connected to said Carrier Gateway Database [see Abstract, Figs. 3 & 8 and Paragraphs 0016-0021 & 0052].

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halim et al (Hereafter, Halim), U.S. Pat. Application Pub. No. US 2003/0092454 A1.

Regarding claims 4-6, Halim does not explicitly teach wherein said system is used for a classified ads website, wherein said system is used for an auction website, and wherein said system is used for a dating/matchmaking website. However, the mentioned "wherein" clauses appear to represent statement of intended use or field of use. It would have been obvious to one of ordinary skill in the art to recognize that

websites would enable the system to send a text message (notification) to the members' wireless devices with regarding various information such as advertising messages, news and other related information. Thus, website services such as classified ads, auction, or dating/matchmaking are efficiently provided to the user of wireless devices.

***Other References Cited***

11. The following references cited by the examiner but not relied upon are considered pertinent to applicant's disclosure.

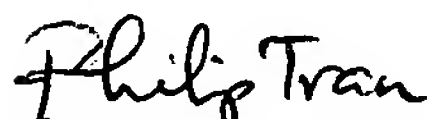
- A) Chen et al, U.S. Pat. No. 7,20,685.
- B) Thakker et al, U.S. Pat. No. 6,487,602.
- C) Gavette et al, U.S. Pat. No. 7,085,357.
- D) Holmes et al, U.S. Pat. No. 6,134,432.
- E) Dehlin, U.S. Pat. No. 7,113,803.
- F) Lingafeldt et al, U.S. Pat. No. 6,959,182.
- G) Alanara et al, U.S. Pat. No. 5,878,351.
- H) Lee et al, U.S. Pat. Application Pub. No. US 2004/0242246 A1.
- I) Rao et al, U.S. Pat. Application Pub. No. US 2003/0100321 A1.
- J) Despain et al, U.S. Pat. Application Pub. No. US 2004/0219903 A1.
- K) Bryham et al, U.S. Pat. Application Pub. No. US 2004/0176081 A1.
- L) Koskimies, U.S. Pat. Application Pub. No. US 2004/0081110 A1.
- M) Low et al, U.S. Pat. Application Pub. No. US 2003/0176081 A1.
- N) Alanara, U.S. Pat. Application Pub. No. US 2004/0176081 A1.
- O) Conneely et al, U.S. Pat. Application Pub. No. US 2003/0050046 A1.



12. A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET TO EXPIRE THREE MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION. FAILURE TO RESPOND WITHIN THE PERIOD FOR RESPONSE WILL CAUSE THE APPLICATION TO BECOME ABANDONED (35 U.S.C. § 133). EXTENSIONS OF TIME MAY BE OBTAINED UNDER THE PROVISIONS OF 37 CAR 1.136(A).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (571) 272-3991. The Group fax phone number is (571) 273-8300. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar, can be reached on (571) 272-4006.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Philip B. Tran  
Primary Examiner  
Art Unit 2155  
March 01, 2007